

*****AMENDED AUGUST 11, 2016*****

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE (ST. MARY OF SORROWS CATHOLIC CHURCH), SPA 77-A-041-04 Appl. under Sect. 3-103 of the Zoning Ordinance to amend SP 77-A-041, previously approved for a place of worship and nursery school, to permit site modifications. Located at 10500 Zion Dr. and 5222 Sideburn Rd., Fairfax, 22032, on approx. 15.17 ac. of land zoned R-1. Braddock District. Tax Map 68-4 ((1)) 1 and 2. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 27, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant has read, understands, and concurs with the proposed development conditions as modified.
3. Staff recommends approval, and the Board adopts their rationale.
4. The present zoning of the property is R-1.
5. The area of the lot is 15.17 acres.
6. The use as a place of worship has been established on a portion of the subject property since 1977.
7. The applicant is requesting to redesign and reorient the previously approved sanctuary building, to relocate the rectory and fellowship hall, and to make changes to the existing parking lot to accommodate the proposed changes.
8. There has been a significant level of interaction by the applicant with Staff and the community, which has resulted in a number of modifications to the applicant's proposal.
9. The community has had a significant level of input both in written format and through testimony heard at the hearing.
10. Staff has done an in depth review through various relevant County agencies in order to mitigate the potential impacts on the surrounding community.
11. The proposed modifications to the existing 2001 approval include changes to the location and orientation of the facilities in order to improve the site and reduce the intensity of use.
12. The concerns which have been raised relate to land use compatibility, size and scale of the facilities, screening, architectural size, and precedence the case could set related to height of the facility.

13. The applicant has decreased the proposed square footage of the facilities from the previous approval, and the height of the proposed sanctuary was decreased from the initial submission. The applicant has also removed a previously proposed 90-foot bell tower, and moved the sanctuary a greater distance from the western property line. Specifically, the proposed sanctuary, rectory, and fellowship hall are sited near the center of the property.
14. The applicant has proposed a reduction of square footage from 47,250 square feet to 32,400 square feet, which results in a reduction of the previously approved 1,400 seats to 1,200 seats.
15. The new buildings are redesigned to angle further away from the property line with increased setbacks, so the sanctuary will be no closer than 100 feet from the nearest residential property.
16. The newly proposed building is 13.5 feet taller than the previously approved structure, but the large size of the property, significant mature vegetation, and other conditions related to preservation, transition screening, and landscaping facilitates and mitigates the visual impacts to neighboring homes.
17. More than half of the subject property will remain as open space.
18. With regard to the issue of precedence, the Board does consider each case on its individual merits.
19. The applicant has met all requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan, including land use recommendation.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office (St. Mary of Sorrows Catholic Church) and is not transferable without further action of this Board, and is for the location indicated on the application, 5222 Sideburn Road and 10500 Zion Drive (15.17 acres), and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat titled, "St. Mary of Sorrows Catholic Church, Phase II Building Addition," prepared by John C. Levto, P.E., dated April 1, 2016, as revised through July 8, 2016 (the "Special Permit Amendment Plat") and approved with this application, as qualified by these development conditions.
3. The proposed new sanctuary shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions. The proposed materials

shall consist of masonry with a sloping, shingled roof. The proposed rectory and fellowship hall shall be generally consistent with the architectural design of the existing church building. Compliance with these conditions shall be demonstrated at the time of site plan for the respective buildings.

4. A copy of this special permit amendment, conditions and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
6. The maximum seating capacity in the main area of worship shall be limited to 1,200 seats upon issuance of a Non-RUP for this special permit amendment.
7. Upon completion of construction of the new sanctuary building, the existing 800-seat sanctuary will no longer be used for regular services. All regular religious services shall occur within the new sanctuary as shown on the special permit amendment plat.
8. The nursery school shall be limited to a total maximum daily enrollment of 99 children.
9. The hours of operation for the nursery school shall be limited to 9:00 a.m. to 3:30 p.m., Monday through Friday.
10. There shall be a maximum of twenty-five (25) full-time employees for the church use. There shall be a maximum of twelve (12) full-time employees for the nursery school use.
11. There shall be a maximum of 514 parking spaces provided as shown on the special permit amendment plat. The size of the parking spaces shall be in accordance with Sect. 7-802 of the Public Facilities Manual. All parking shall be on site as shown on the special permit amendment plat.
12. A sign will be posted on the private road leading from the parking lot to the rectory and existing storm water management pond stating that use is restricted to authorized vehicles only.

13. Stormwater Management and Best Management Practices (BMPs) shall be provided on-site as shown on the special permit amendment plat.

If the existing Stormwater detention system does not meet County detention requirements or the BMPs requirements of the Chesapeake Bay Preservation Act on Lot 2, to address these problems, the applicant shall comply with all County storm drainage and BMP requirements to the satisfaction of the Director, DPWES. A Non-RUP for the proposed additions to the subject property shall not be issued until this problem has been addressed and resolved. If the required design is not in substantial conformance with that shown on the special permit amendment plat, the applicant shall be required to apply for a special permit amendment for approval of the resulting change.

14. The barrier requirement shall be modified along all lot lines of the subject property, in favor of the existing decorative fencing on Lot 1. Decorative fencing, which may replace or incorporate the existing fence, shall be installed along portions of the perimeter of the property adjacent to Zion Drive and the adjacent residential community, within the applicant's discretion. The fence shall be field located by the applicant in conjunction with the Urban Forestry Management Division (UFMD) to ensure preservation of the existing vegetation.
15. The requirements for Transitional Screening 1 shall be modified along all lot lines on Lot 1 in favor of the existing vegetation and supplemental plantings, as shown on the special permit amendment plat, and as determined by the UFMD.

The existing vegetation on Lot 2 shall be deemed to fulfill the requirements for Transitional Screening 1 along all lot lines. Existing vegetation on site shall be preserved and maintained as indicated on the approved special permit amendment plat. Any landscaping or existing vegetation on site as approved by the UFMD in conjunction with site plan approvals under SP 77-A-041, SPA 77-A-041, SPA 77-A-041-2, and SPA 77-A-041-3 shall be inspected by the Urban Forester and replacement plantings shall be required for any vegetation which is dead, dying, or hazardous.

16. Interior and peripheral parking lot landscaping and tree cover requirements shall be provided in conformance with the requirements of Article 13 of the Zoning Ordinance. Size, species, and number of any plantings shall be as determined by the UFMD at the time of site plan review.
17. All new lighting, including security lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. Any new light fixtures provided on the site shall be limited to a maximum height of twelve (12) feet, from ground level to the top of the fixture. The new lights shall be low-intensity design, full-cut-off fixtures, which focus the light directly onto the subject property, and does not create glare or a nuisance off the property. Shields shall be installed on new lighting, if necessary, to

prevent the light and glare from projecting beyond the lot lines. The new lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use, except for security lighting. All parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening activity.

18. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area, living or dead with trunks 12 inches in diameter and greater (measured at 4½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), and 25 feet outside of the proposed limits of clearing, in the undisturbed area, and within 10 feet of the proposed limits of clearing in the area to be disturbed. All trees inventoried shall be tagged in the field, so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees, it shall be noted on the tree preservation plan, and the applicant shall provide documentation showing that the applicant requested such permission by certified mail, return receipt requested. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the SPA Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, soil testing and recommended fertilization, Cambistat, airspading within the critical root zone to incorporate the application of compost and bio-char, shall be included in the plan. Tree preservation activities shall be completed prior to completion of the Phase I Erosion and Sediment Control Plan before moving into Phase II, unless seasonal timing or other circumstances does not allow them to be effectively completed during that period.

19. Tree Preservation Walk-Through: The applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading,

and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

20. Limits of Clearing and Grading: The applicant shall conform strictly to the limits of clearing and grading, as shown on the Special Permit Amendment Plat, subject to allowances specified in these development conditions and for the installation of utilities as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading, as shown on the Special Permit Amendment Plat, they shall be located in the least disruptive manner necessary, as determined by the UFMD. A replanting plan shall be developed and implemented, subject to approval by the UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
21. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing in the form of four (4)-foot high, fourteen (14)-gauge welded wire, attached to six (6)-foot steel posts driven eighteen (18) inches into the ground, and placed no further than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots, which can lead to structural failure and/or uprooting of trees, and shall be erected at the limits of clearing and grading as shown on the demolition, and Phases I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting, but prior to any clearing and grading activities, including the demolition of any existing structures. Three (3) days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD.

22. Site Monitoring: During any clearing of tree/vegetation on the applicant Property, a representative of the applicant shall be present to monitor the process, and ensure that the activities are conducted as conditioned and as approved by the UFMD. The applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts, in order to ensure conformance with all tree preservation development

conditions and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.

23. Native Species Landscaping: All proposed landscaping shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the Special Permit Amendment Plat.
24. Prior to site plan approval, the applicant's Certified Arborist or Registered Consulting Arborist, in coordination with UFMD, shall evaluate the existing vegetation along the property lines adjacent to residential development to determine if supplemental evergreen plantings are necessary to provide adequate screening. The applicant shall plant the understory evergreens as deemed appropriate in coordination with UFMD.
25. At time of site plan submission, the applicant shall provide written justification in accordance with Article 13-305 of the Zoning Ordinance for each barrier modification requested in the Special Permit Amendment Plat. Subject to providing the written justification in accordance with Article 13-305 of the Zoning Ordinance, as determined by UFMD, the requested barrier modifications shall be approved at the time of site-plan approval.
26. In coordination with a representative of UFMD, additional plantings shall be installed along the western property line between the existing building and parking to remain on the application property and adjacent residentially developed properties. Said plantings shall supplement existing vegetation in order to provide improved screening. Plantings shall consist primarily of evergreen trees, which shall be five (5)-to eight (8)-feet in height at time of planting, and understory evergreens. Said plantings shall be installed as soon after application approval as practical, depending on the weather to optimize survival, but not more than one year following the date of application approval.
27. Landscaping proposed along the western property line as shown on the SP plat to screen the proposed improvements shall be installed as soon after application approval as practical, depending on the weather to optimize survival, but not more than one year following the date of application approval.
28. The location of heating and air conditioning and associated mechanical units (HVAC systems) shall be allowed to be located 56 feet from the southern lot line, but no closer than one hundred (100) feet from any other property lines, to minimize the noise impact on the surrounding residential properties. The design of the HVAC system shall be such that as many of the components as possible shall be located inside the building. The units shall be subject to Zoning Ordinance performance standards with respect to noise levels, and shall be further surrounded by

vegetative screening and fencing, so as to minimize the exterior noise to the maximum extent possible.

29. Trash dumpsters shall be screened with wood or masonry enclosures, which are designed to be compatible with the buildings, shall be screened from the adjacent residential properties with vegetation, and shall be located in the general area shown on the special permit amendment plat. Refuse and trash removal shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., weekdays.
30. All transportation and stormwater management improvements, as shown on the special permit amendment plat and as determined necessary by the Director, DPWES, shall be completed prior to the issuance of a Non-RUP.
31. Recreation facilities shall not be used by groups that are not affiliated with the Catholic Diocese. Recreation facilities shall not be leased or rented.
32. Grasscrete pavers shall be utilized in the construction of that portion of the stormwater management pond maintenance access road closest to the adjacent residential community, as shown on the special permit amendment plat.
33. Proposed improvements shall be phased with the order of phasing to be determined by the Applicant within its sole discretion. The actual amount of funds raised, approval by the Bishop of the Arlington Diocese, and approval by Fairfax County shall determine actual sequence and timing of the proposed phases.
34. In order to promote sustainable design, the following measures shall be taken in conjunction with the construction of each of the proposed buildings. A LEED-Accredited Professional shall be included as a member of the design team. The LEED-AP will work with the team to incorporate sustainable design elements and innovative technologies into the proposed buildings. At the time of site plan submission, documentation will be provided to the Environment and Development Review Branch of DPZ (EDRB), demonstrating compliance with the commitment to engage such a professional.

Prior to final construction bond release for each phase, the LEED-AP shall submit a certification statement to EDRB, including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building(s).

Green building elements for inclusion in the project:

- A. Native and non-invasive species, including perennials and seed mixes, shall be used exclusively for landscape and other plantings on the property. Planting lists showing species and location of plantings on the landscape plan shall be submitted with the site plan.

- B. LED or fluorescent lamps shall be incorporated in interior building light fixtures.
- C. Motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage listed below shall be used. Manufacturers' product data shall be provided prior to the issuance of a Non-RUP.

Water Closet (gallons per flush, gpf): 1.28
Urinal (gpf): 0.5
Showerheads (gallons per minute, gpm*): 20
Lavatory faucets (gpm**): 1.5
Kitchen and janitor sink faucets: 2.20
Metering faucets: 0.25

*When measured at a flowing water pressure of 80 pounds per square inch (psi).

**When measured at a flowing water pressure of 60 pounds per square inch (psi).

- D. Low-emitting materials shall be used for all adhesives, sealants, paints, coatings, floor systems, composite wood, and agrifiber products, as well as furniture and furnishings, if available. Low-emitting is defined according to the following table:

<u>Application</u>	<u>(VOC Limit g/L less water)</u>
<u>Carpet Adhesive</u>	<u>50</u>
<u>Rubber floor adhesive</u>	<u>60</u>
<u>Ceramic tile adhesive</u>	<u>65</u>
<u>Anti-corrosive/anti-rust paint</u>	<u>250</u>
<u>Clear wood finishes</u>	<u>350</u>

Manufacturers' product data shall be provided prior to the issuance of a Non-RUP.

- E. Carpet and carpet padding shall be installed that meets the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. Manufacturers' product data shall be provided prior to the issuance of a Non-RUP.
- F. Vinyl composition tile and rubber tile flooring shall be installed that meets the requirements of the FloorScore certification program. Manufacturers' product data and certification letter shall be provided prior to the issuance

of a Non-RUP.

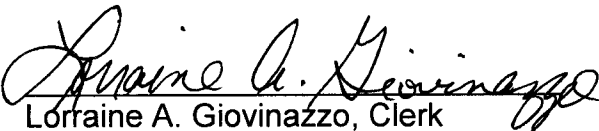
- G. Energy Star, or equivalent, appliances and equipment for all refrigerators, water heaters, computers, monitors, water coolers, and other appliances and office equipment (if available) shall be installed. Installation locations and manufacturers' product data, including the Energy Star energy guide if installed, shall be provided prior to the issuance of a Non-RUP.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the applicant has commenced construction of the first phase of improvements, to include the Sanctuary, Rectory, OR Fellowship Hall. The Board of Zoning Appeals may grant additional time to establish the use, if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 6-0. Mr. Smith was not present for the vote.

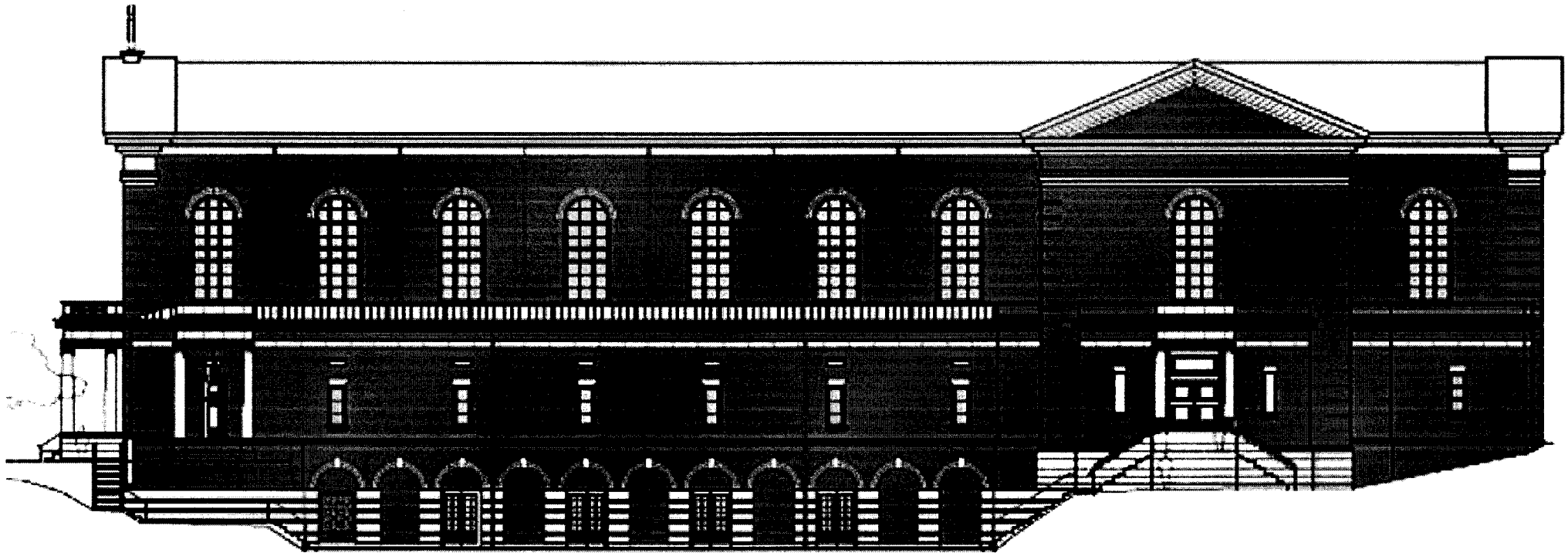
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Lorraine A. Giovinazzo, Clerk
Board of Zoning Appeals

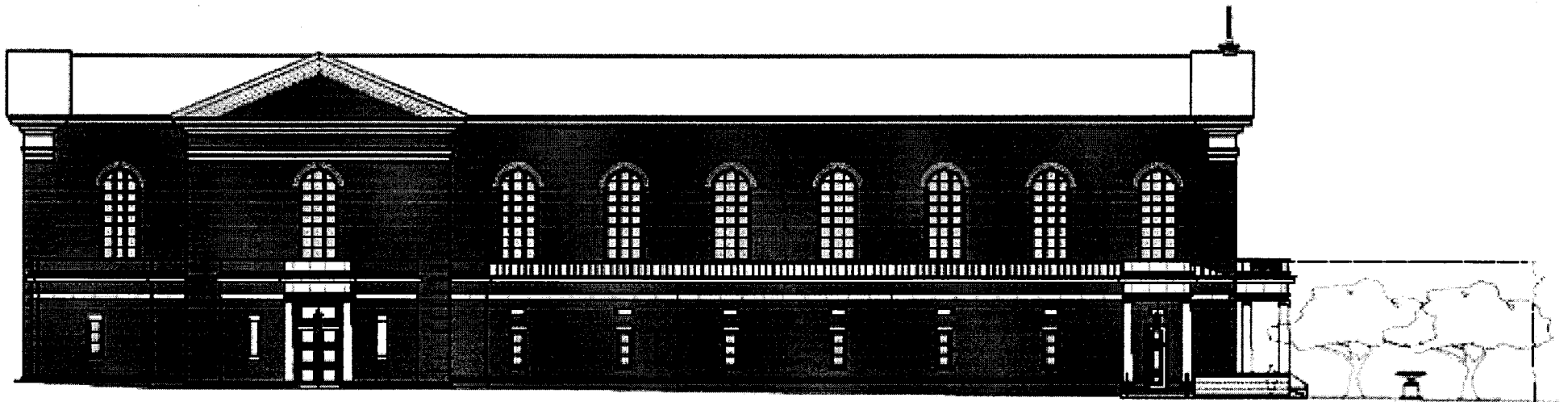
ATTACHMENT 1



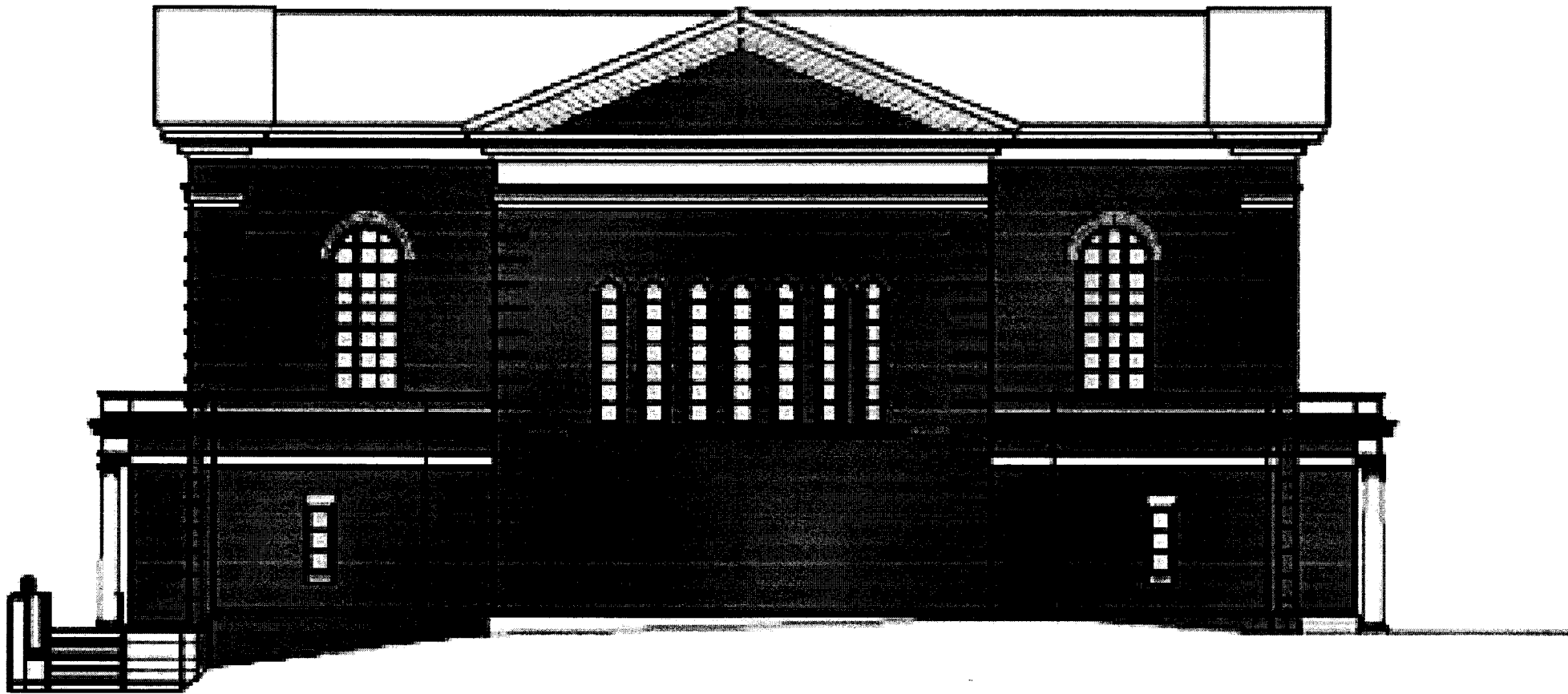
EAST SANCTUARY ELEVATION



NORTH SANCTUARY ELEVATION



SOUTH SANCTUARY ELEVATION



WEST SANCTUARY ELEVATION